

**From:** Hall, Lynda  
**To:** Waye, Don  
**Sent:** 1/22/2015 5:22:48 PM  
**Subject:** RE: Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.

I agree it's a great team. Thanks for getting the FRN over the line.

**From:** Waye, Don  
**Sent:** Thursday, January 22, 2015 4:28 PM  
**To:** Hall, Lynda  
**Subject:** RE: Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.

Agree. And glad that Christine suggested it. Just when I get frustrated on things, the team really does pull through. So I am grateful for the mutual respect, compromise, and occasional efficiencies these conference calls provide.

**From:** Hall, Lynda  
**Sent:** Thursday, January 22, 2015 2:23 PM  
**To:** Waye, Don  
**Subject:** RE: Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.  
**Importance:** High

Ugh, too many authors. I know you don't want to but maybe you should take final responsibility on the EPA side for finalizing this, so it gets done right.  
Allison will be making the logistics happen for signatures etc.

**From:** Waye, Don  
**Sent:** Thursday, January 22, 2015 2:09 PM  
**To:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Psyk, Christine  
**Cc:** Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)  
**Subject:** Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.

All,

## Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Additionally, I thought we agreed to remove references to OSDS & New Dvpt. The docket that we are noticing the availability of makes no mention of these 2 MMs, so it is not appropriate to mention them in this notice of availability.

See attached. I have also attached the template that our Water Policy Office shared with me this morning for properly laying out the FRN.

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It also requires very specific language about the docket. However, we should defer to NOAA's template for describing the docket in the FRN since the docket will be on NOAA's website.

Thanks.

Don Waye  
U.S. EPA - Nonpoint Source Control Branch

Phone: 202-566-1170

**From:** Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]

**Sent:** Thursday, January 22, 2015 10:11 AM

**To:** Psyk, Christine

**Cc:** Waye, Don; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer

**Subject:** Re: Status of Cover Letter and FRN

With the FRN containing my edit attached this time.

On Thu, Jan 22, 2015 at 10:10 AM, Allison Castellan - NOAA Federal <[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)> wrote:  
I just have one small change to the FRN to fix an incorrect reference to forestry conditions (remember, OR was never conditioned on the forestry MMs, only on the need for additional MMs for forestry).

I think Joelle's edits to the cover letter look fine. However, in response to her comment that we haven't told the state that interim decisions are not final until public has commented, we have said this many times to the state in prior correspondence. The cover letter to every previous interim decision doc we sent gave them notice of this.

On Wed, Jan 21, 2015 at 5:34 PM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

After the back and forth, I will take the lead on finalizing the cover letter and the FRN. I've exchanged emails with Lynda and am fine with asking Dennis to sign the FRN rather than Ken. As an FYI, I am going to share the current draft, near final copies of both the cover letter and the FRN with Dennis and Will to check with them whether they are comfortable with tone and content given their communications with the State. I would like to finalize these two documents by the end of this week.

Thank you for all your help and good work. I can see the light at the end of the tunnel; we're getting there.

Christine Psyk, Associate Director  
EPA Region 10, OWW  
[206-553-1906](tel:206-553-1906)  
[Psyk.christine@epa.gov](mailto:Psyk.christine@epa.gov)

**From:** Waye, Don

**Sent:** Wednesday, January 21, 2015 10:58 AM

**To:** Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Psyk, Christine; Sweeney, Stephen

**Cc:** Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Croxton, Dave; Wu, Jennifer

**Subject:** RE: Leads for Various Documents

I respectfully decline. It's in good hands with Christine.

(I was just serving as caretaker of the FRN process while Jayne was out 2 weeks ago anyway.)

I told Jayne I would oversee finalizing the interim decision document and transmittal letter for New Dvpt & OSDS.

**From:** Byrne, Jennifer

**Sent:** Wednesday, January 21, 2015 1:51 PM

**To:** Carlin, Jayne; Hall, Lynda; Psyk, Christine; Sweeney, Stephen

**Cc:** Waye, Don; Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Croxton, Dave; Wu, Jennifer

**Subject:** Re: Leads for Various Documents

I think we should switch back to Don. He was lead for FRN; it's just that on the manager's call last week, when I said I would be sending my comments in, a few folks asked me to make some changes and send

it around. Let's get it back in Don's hands.

JB

## Jennifer Byrne

Office of Regional Counsel, EPA Region 10

206-553-0050 byrne.jennifer@epa.gov

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**From:** Carlin, Jayne  
**Sent:** Wednesday, January 21, 2015 10:29 AM  
**To:** Hall, Lynda; Psyk, Christine; Sweeney, Stephen  
**Cc:** Waye, Don; Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Croxton, Dave; Wu, Jennifer  
**Subject:** Leads for Various Documents

Hi All,

I implied leads when sending out the action items yesterday (see below).

Decision Document and Response to Comments Document:	Allison
Communications Roll Out Strategy:	Allison
Cover Letter:	Christine
Federal Register Notice: to Don)	JB (although maybe we should switch the lead
Tribal Letter	Jayne

### OR CZARA Action Items

- Legal and managerial final review of decision document (without list of acronyms) and response to comments document: due by January 20. See Allison's email dated 1/15 on RtC. **Comments due to Allison on both documents by 1/20.**
- Allison will update the communications roll out strategy, including Qs and As by the end of this week. She will include contacts for Department of Forestry, Board of Forestry. (Completed see Allison's email dated 1/15) **Comments due to Allison by COB 1/21/15**

- Jayne will set up weekly managerial/legal meetings throughout February (Completed).
- Christine will send out revised cover letter by 1/15. (Completed). **Incorporated comments and sent out revised letter on 1/20. Send fatal flaw comments to Christine by COB 1/21/15.**
- JB will send out Federal Register Notice by COB on 1/14 (Completed). **Review Don's Email dated 1/20/15 for final draft and questions. Send all changes by COB on 1/21/15 to Jennifer Byrne with cc to all.** Will discuss any remaining revisions and signatory issue/process on during the manager's meeting on Thursday.
- Jayne will draft letter to tribes for technical/legal and managerial review. (Completed.) **See Jayne's email on 1/15 and Allison's email dated 1/16 with her comments. Comments due to Jayne by COB on 1/21/15.**

Jayne Carlin, Watersheds Unit  
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[www.epa.gov/r10earth/tmdl.htm](http://www.epa.gov/r10earth/tmdl.htm)  
[yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS](http://yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS)

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**From:** Hall, Lynda  
**Sent:** Wednesday, January 21, 2015 10:22 AM  
**To:** Psyk, Christine; Sweeney, Stephen  
**Cc:** Waye, Don; Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Wu, Jennifer  
**Subject:** RE: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

Sent from my Windows Phone

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**From:** [Psyk, Christine](#)  
**Sent:** 1/21/2015 1:19 PM  
**To:** [Sweeney, Stephen](#)  
**Cc:** [Waye, Don](#); [Joelle Gore - NOAA Federal](#); [Hall, Lynda](#); [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); [Byrne, Jennifer](#); [Carlin, Jayne](#); [Croxton, Dave](#); [Wu, Jennifer](#); [Henning, Alan](#); [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)  
**Subject:** Re: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

I agree that we've lost version control. We need to assign leads for the final versions for all the documents: FRN, letter (me), decision document, Rtc. Need to nail this down.  
Christine

Sent from my iPhone

On Jan 21, 2015, at 10:12 AM, Sweeney, Stephen <[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)> wrote:

Don,

# Ex. 5 - Attorney Client

Thanks,

Steve

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**From:** Wayne, Don

**Sent:** Wednesday, January 21, 2015 1:08 PM

**To:** Sweeney, Stephen; Joelle Gore - NOAA Federal; Psyk, Christine

**Cc:** Hall, Lynda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Wu, Jennifer; Henning, Alan; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** RE: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

All,

This latest round of comments gets us closer to a great final product and is appreciated. However, there has been a failure of version control, as the version I sent out yesterday (which was to implement Steve Sweeney's recommendations from yesterday) have been ignored.

# Ex. 5 - Attorney Client

Thanks.

Don

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**From:** Sweeney, Stephen

**Sent:** Wednesday, January 21, 2015 12:05 PM

**To:** Joelle Gore - NOAA Federal; Psyk, Christine

**Cc:** Hall, Lynda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Wayne, Don; Wu, Jennifer; Henning, Alan; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** RE: next draft of FRN

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# Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

Steve

**From:** Joelle Gore - NOAA Federal [<mailto:joelle.gore@noaa.gov>]

**Sent:** Friday, January 16, 2015 1:45 PM

**To:** Psyk, Christine

**Cc:** Hall, Lynda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov); Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** Re: next draft of FRN

Hi everyone,

I've added a few comments to the FRN as well.

I think this is ready for legal review -- Jeff, Steve, and JB.

I wish there was some way to make this all less confusing.

I get lost in the words and references...I can't imagine the public's read.

Alas, I don't think there is a solution...perhaps just the nature of FRNs...especially this one.

Thanks for all the work, Joelle

On Thu, Jan 15, 2015 at 11:28 AM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

I'm okay with removing it as well since the FRN will be old news and the real news will be the decision letter in which we do acknowledge the progress the state has made.

Christine Psyk, Associate Director

EPA Region 10, OWW

206-553-1906

[Psyk.christine@epa.gov](mailto:Psyk.christine@epa.gov)

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**From:** Hall, Lynda

**Sent:** Thursday, January 15, 2015 7:00 AM

**To:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Psyk, Christine

**Cc:** Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov); [joelle.gore@noaa.gov](mailto:joelle.gore@noaa.gov); Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** RE: next draft of FRN

I think that had originally been my comment. I'm OK with removing.

Sent from my Windows Phone

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**From:** [Allison Castellan - NOAA Federal](#)

**Sent:** 1/14/2015 7:18 PM

**To:** [Psyk, Christine](#)

**Cc:** [Byrne, Jennifer](#); [Carlin, Jayne](#); [Croxton, Dave](#); [Hall, Lynda](#); [Waye, Don](#); [Wu, Jennifer](#); [Henning, Alan](#); [Sweeney,](#)

Stephen; jeff.dillen@noaa.gov; joelle.gore@noaa.gov; Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** Re: next draft of FRN

I think it looks fine except for the comments adding language about which MMs we have given interim approval to. I thought we agreed on the call today that we would only focus on forestry---the basis for the disapproval decision and that the FRN was not the place to get into the other MMs. See comment attached.

On Wed, Jan 14, 2015 at 6:35 PM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

My comments on the FRN are added to the version Jennifer commented on. It's looking good. I am particularly sensitized to tone and sound of the message, hence, provided some wording changes to "failure to submit" language. I recommended that we use less inflammatory language such as "has not submitted an approvable program". My comments reflect those wording changes.

Christine Psyk, Associate Director

EPA Region 10, OWW

206-553-1906

[Psyk.christine@epa.gov](mailto:Psyk.christine@epa.gov)

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**From:** Byrne, Jennifer

**Sent:** Wednesday, January 14, 2015 2:19 PM

**To:** Carlin, Jayne; Croxton, Dave; Hall, Lynda; Psyk, Christine; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); '[jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)'; '[joelle.gore@noaa.gov](mailto:joelle.gore@noaa.gov)'; Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** next draft of FRN

Attorney-Client Privileged, Attorney Work Product, Do Not Release

Hi all,

# Ex. 5 - Attorney Client

Lynda had asked for an updated tally of the conditions that have been met. Can someone add that at or near the place where Lynda's comment is?

Please let me know if you see anything else that needs to be addressed.

Thanks,

JB

Jennifer Byrne

Office of Regional Counsel, EPA Region 10

206-553-0050, [byrne.jennifer@epa.gov](mailto:byrne.jennifer@epa.gov)

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